

REMARKS

This is in response to the final Office Action mailed January 3, 2008. The current Office Action rejects claims 1-56 under 35 U.S.C. § 103(a) as being unpatentable over Funk (U.S. Patent No. 5,832,463) and Downs (U.S. Patent No. 6,654,487) in view of Guzman (U.S. Patent Application Publication No. 2003/0182227).

Claims 1-56 are canceled. No disclaimer of the subject matter and no admission regarding patentability are to be implied from the cancellation of claims 1-56. Claims 57-80 are new. Consideration and allowance of claims 57-80 are requested for the following reasons.

A. Independent claim 57 and associated dependent claims

Claim 57 is directed to a method for processing checks. Claim 57 requires automatically determining, based at least in part on captured information, whether the check is eligible to be converted into an ACH debit. Furthermore, claim 57 requires the check is determined to be eligible to be converted into an ACH debit when the check is a consumer check and the consumer has been notified that the check will be converted into an ACH debit.

None of the art of record discloses or suggests such a method. For example, the Action states that Downs discloses a check processing system which includes a predetermined set of MICR line validation rules. However, Downs only teaches making a determination whether a MICR line of a check is valid. See, e.g., Downs, col. 2, lines 27-42. Downs fails to disclose or suggest automatically determining, based at least in part on captured information, whether the check is eligible to be converted into an ACH debit, as required by claim 57.

It is noted that there are types of checks that include valid MICR lines that are not eligible to be converted to an ACH debit. See, e.g., Application, ¶¶ 101-109. For instance, a traveler's check may include a valid MICR line, but not be eligible to be converted to an ACH debit. Therefore, the fact that a check has a valid MICR line does not imply that the check is eligible to be converted to an ACH debit. In other words, not all checks with valid MICR lines are eligible to be converted to ACH debits. Because not all checks with valid MICR lines are eligible to be converted to ACH debits, making a determination that a check has a valid MICR line does not imply that the check is eligible to be converted to an ACH debit. Therefore, Downs does not teach making a determination of whether the check is eligible to be converted to an ACH debit.

Because the art of record does not teach or suggest all of the limitations of claim 57, the art cited in the current Office Action does not present a prima facie case of obviousness under 35 U.S.C. § 103(a) with regard to claim 57 and the claims that depend therefrom. Consideration and allowance are requested.

B. Claims 76 and 77

Independent claim 76 requires automatically determining whether the check is eligible to be converted into an ACH debit. Claim 76 also requires that the check is determined to be eligible to be converted into an ACH debit when the check is a consumer check drawn against an account associated with a consumer who has been notified that the check will be converted into an ACH debit. As discussed above with regard to claim 57, none of the art of record, either individually or in combination, teaches or suggests these requirements. Consideration and allowance of claims 76 and 77 are therefore requested.

C. Claims 78 and 79

Independent claim 78 requires transmitting the information to a remote location that determines whether the check is eligible to be converted into an ACH debit. Claim 78 also requires that the check is determined to be eligible to be converted into an ACH debit when the check is a consumer check drawn against an account associated with a consumer who has been notified that the check will be converted into an ACH debit. As discussed above with regard to claim 57, none of the art of record, either individually or in combination, teaches or suggests these requirements. Consideration and allowance of claims 78 and 79 are therefore requested.

D. Claim 80

Independent claim 80 is directed to an apparatus for processing checks. Applicants submit that none of the art of record, either individually or in combination, teaches or suggests all of the requirements of claim 80. Consideration and allowance of claim 80 are requested.

In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution

of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

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